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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 ANDRE BUTLER,  
9 Plaintiff,

10 v.

11 G. SALAZAR, et al.,  
12 Defendants.

Case No. [14-cv-04136-CRB](#)

**ORDER GRANTING MOTION TO  
WITHDRAW AS COUNSEL**

Re: Dkt. 99

13 Caroline Walters and Matthew Gelfand move to withdraw from representing Andre  
14 Butler, the plaintiff in this case. The Court appointed Ms. Walters and Mr. Gelfand as pro  
15 bono counsel to aid Mr. Butler in prosecuting his case after it denied in part the  
16 Defendants' motion for summary judgment. Order Appointing Counsel (dkt. 46). It then  
17 referred the case to a magistrate to conduct a settlement conference. Referral Order  
18 (dkt. 51). Mr. Butler's attorneys represent that Mr. Butler has refused to attend settlement  
19 conferences, requiring those conferences to be rescheduled several times. Mot. to  
20 Withdraw (dkt. 99); see also Minute Orders (dks. 87, 88, 92, 93). Finally, the magistrate  
21 held a conference, but was forced to terminate the conference when Mr. Butler failed to  
22 attend. Minute Order (dkt. 96). Mr. Butler's attorneys represent that Mr. Butler "ceased  
23 responding to [them] entirely" in October 2017. Gelfand Decl. (dkt. 99-1) at ¶ 4. They  
24 also represent that their client has been urging them to press arguments that are not  
25 "warranted by existing law or by a nonfrivolous argument for the extension, modification,  
26 or reversal of existing law or the establishment of new law." Fed. R. Civ. P. 11(b)(2); see  
27 Gelfand Decl. at ¶ 8.

28 The Court held a hearing regarding the motion to withdraw on Feb. 23, 2018. Mr.

1 Gelfand was present at the hearing, and Mr. Butler appeared by phone. Mr. Butler  
2 represented that he was not interested in attending a settlement conference, and that he  
3 wished to press arguments that this Court has already rejected. His representations were  
4 largely consistent with those of his attorneys. Accordingly, the Court finds that the  
5 attorney-client relationship is irrevocably broken, and that good cause exists for Mr.  
6 Butler's attorney to withdraw. See Civ. Local R. 11-4(a)(1). It excuses Ms. Walters and  
7 Mr. Gelfand from representing Mr. Butler.

8 **IT IS SO ORDERED.**

9 Dated: March 12, 2018



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CHARLES R. BREYER  
United States District Judge